

TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations

(Continuation of Register 2003, No. 23-Z, and Commission Meeting of May 6 and June 24, 2004)

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections: 200, 202, 203, 355, 713, 1050, 1526, 1528, 1530, 1570-72, 1765, and 10504, of the Fish and Game Code, and to implement, interpret or make specific Sections: 355, 711, 713, 1050, 1055.3, 1526, 1528, 1530, 1570-1572, 1585, 1764, 1765, 2006, and 10504, of said Code, proposes to amend Section 630, Title 14, California Code of Regulations, relating to Regulations for Hunting and Other Public Uses on State and Federal Areas.

Proposed changes to subsections 551(q)(27)(E) and 551(q)(42)(D) as set forth in the first notice regarding State and Federal Wildlife Areas (Notice Register 2004, No. 23-Z, published June 4, 2004) remain the same, **except for recommendations for clarity proposed at the Commission's June 24, 2004 meeting in Crescent City (see Updated Informative Digests below).**

Updated Informative Digest/Policy Statement Overview for Section 551

~~Subsection 551(q)(27)(E) (Gray Lodge Wildlife Area) (Camping and Trailers). The existing regulations do not prevent public users on the wildlife area from leaving cabover campers at the checking station parking lot where camping is permitted, causing a crowding problem, particularly during the waterfowl hunting season. These campers are often left on the wildlife area for long periods of time without being used. Since cabover campers are not a motor vehicle, they are not registered making it difficult or even impossible for staff to identify the owners. It is also time consuming to remove abandoned cabover campers or camper shells since they must be declared as abandoned property which is a lengthy process. The regulation would be amended to require that all cabover campers be attached to a registered vehicle which would allow law enforcement to quickly remove them if the Department determines they are illegally parked in the checking station parking lot or camping area.~~

Subsection 551(q)(27)(E) (Gray Lodge Wildlife Area) (Camping and Trailers). This section would be further amended as with replacement language that provides better clarity than the amendment language first proposed. The existing regulations do not prevent public users on the wildlife area from leaving unregistered campers and/or camper shells normally attached to a vehicle at the checking station parking lot where camping is permitted, causing a crowding problem, particularly during the waterfowl hunting season. This proposed regulation is not intended to apply to registered camper trailers, or tent trailers that are towed behind a vehicle. These unregistered camper shells and campers are often left on the wildlife area for long periods of time without being used. Since the subject campers, and/or camper shells are not a motor vehicle, or a towable camper trailer, they are not registered making it difficult or even impossible for staff to identify the owners. It is also time consuming to remove abandoned unregistered campers or camper shells since they must be declared as abandoned property which is a lengthy process. The regulation would be amended to require that all attached unregistered campers remain attached to a registered vehicle when on the area, which would allow law enforcement to quickly remove them if the Department determines they are illegally parked in the checking station parking lot or camping area.

~~Subsection 551(q)(42)(D) (Upper Butte Basin Wildlife Area) (Camping). The existing regulation permits trailers and motor homes only in checking station parking lots. The proposed amendment to the regulation would add language for clarity, stating that trailers and motor homes shall not be allowed past checking station parking lots. This change would prevent large vehicles and trailers from becoming stuck, or stranded on narrow levee roads, as there are no safe areas to make U turns. The amendment would also prevent damage to roads and levees by large vehicles during periods of ground saturation. This entire subsection would be deleted since it has become evident, as currently constituted, it cannot be~~

definitively interpreted making it unenforceable. Staff will work with public users of the area to amend the existing regulation to define, for the purpose of this regulation, the meaning of the terms "large motor home, large vehicle, and large trailer", to ensure that they do not enter areas where they can become stuck or stranded.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Mono Memorial Hall, 100 Sinclair Street, Bridgeport, California on August 6, 2004, at 8:30 a.m., or as soon thereafter as the matter may be heard. Written comments may be submitted on or before August 6, 2004, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than August 6, 2004 at the hearing in Bridgeport, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916)653-4899. Please direct inquiries to Robert R. Treanor or Jon D. Snellstrom at the preceding address or phone number. John Anderson, Department of Fish and Game, phone (916) 445-3472, has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.dfg.ca.gov/fg_comm/.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. These actions are proposed to provide maximum protection of wildlife and habitat, clarity to language and appropriate management for public use. These regulation changes are sufficiently minor that any economic impact, positive or negative, would not be significant.
- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

(e) Nondiscretionary Costs/Savings to Local Agencies: None

(f) Programs mandated on Local Agencies or School Districts: None

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None

(h) Effect on Housing Costs: None

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Dated: July 13, 2004

Robert R. Treanor
Executive Director